

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MICHAEL SMITH,

Defendant.

Case No. 1:23-cr-20095

Honorable Thomas L. Ludington
United States District Judge

Honorable Patricia T. Morris
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING GUILTY
PLEA, AND TAKING RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

Magistrate Judge Patricia T. Morris conducted a plea hearing upon Defendant John Michael Smith's consent. ECF No. 16. On February 16, 2023, Judge Morris issued an R&R recommending that this Court accept Defendant's guilty plea. ECF No. 19.

Although Judge Morris said the Parties may object to and seek review of the R&R within 14 days of service, they have not filed any objections. They have therefore forfeited their right to appeal Judge Morris's findings that Defendant was competent to enter a plea and did so knowingly, voluntarily, without coercion, and with a basis in fact. *See* FED. R. CRIM. P. 11(b); *Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 19, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's guilty plea is **ACCEPTED**, and the Rule 11 Plea Agreement, ECF No. 16, is **TAKEN UNDER ADVISEMENT**.

Dated: March 3, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge